

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,) CASE NO. 2:03-cr-379-JAM
Plaintiff,)
v.) ORDER AMENDING THE JUDGMENT
YULY KROYTOR)
Defendant.)

Pending before the Court is the Defendant's May 14, 2012, Motion to Correct the Judgment and Commitment order in this case. On June 22, 2012, the United States Attorney's Office for the Eastern District of California filed a statement of non-opposition to the motion.

ORDER

The Court has given notice the parties that the Court deems appropriate. Fed. R. Crim. P. 36.

The Court finds that, prior to the entry of the original sentence, the defendant had tendered sufficient payment to make any victim of the crime of conviction whole.

Therefore, the previous amendment of the Judgment and Sentence, modified on September 8, 2011, created "an error in the record arising from oversight" because it added an order of restitution where one was not permitted by statute. *Id.*

Accordingly, the Judgment and sentence in this case is remanded, nunc pro tunc, to remove the order of restitution which was added on September 8, 2011.

IT IS SO ORDERED.

Dated: July 17, 2012

/s/ John A. Mendez
The Honorable John A. Mendez
United States District Judge